

REMARKS

In the office action, the Examiner (1) objected to the Figures 12, 15 and 16, (2) rejected Claims 12, 18, 19, 26, 29, 30, 32, 33, 35, 40-45, 48, 49, 51, 53, 54, 58 and 59 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,158,155 issued to Domain et al. ("Domain"), (3) rejected Claims 1, 2, 6-11, 13-16, 20, 50 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of U.S. Patent No. 6,246,998 issued to Matsumori ("Matsumori"), (4) rejected Claims 3-5, 17 and 22-25 under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Hall, (5) rejected Claims 21, 27, 28, 31, 34, 36-39, 55, 57, 60 and 61 under 35 U.S.C. § 103(a) as being unpatentable over Domain in view of Ruppert, (6) rejected Claims 46, 55, 56 under 35 U.S.C. 103(a) as being unpatentable over Domain in view of Hall, and (7) rejected Claim 47 under 35 U.S.C. § 103(a) as being unpatentable over Domain and Hall and further in view of Official Notice. Reconsideration and allowance of the application, as amended, are requested.

I. Objections to Drawings

The Examiner indicated that Figs. 12, 15 and 16 are rough and do not observe required margins. Corrected drawings are submitted herewith to overcome this objection. No new matter has been added by the corrected drawings.

II. Prior Art Rejections

The Examiner rejected the claims primarily over Domain (as being either anticipated by Domain or obvious over the combination of Domain and other references). Domain discloses a "vendors' structural complex" that includes a customer order station for receiving customer orders and a plurality of pick-up stations accessible to customers in their vehicles where the merchandize ordered can be picked up. More specifically, customers drive up to an order station in the complex where they verbally communicate their orders to an order clerk, who then electronically enters the order. The order station includes a two-way audio and visual system to enable audio and visual communication between the customer and the order clerk. The system requires communication between the customer and the order clerk. For instance, when the customer makes a liquor purchase or pays for his or her purchase by check, the order clerk must

visually verify the identity of the customer. (col. 4, lines 55-59). Each order station is associated with three pick up stations, and the order clerk sends the customer to one of the three pick up stations to pick up his or her ordered products.

The present application is directed to an improved method and system for selling products such as, e.g., groceries. Products can be ordered by a customer online and thereafter quickly and efficiently provided to the customer for pickup, allowing for high throughput order fulfillment. Independent Claim 1 of the application is directed to a method of selling groceries, which includes the steps of:

receiving an online order from a customer for grocery products the customer desires to pick up at a given location, said order being received from the customer while the customer is at a location remote from said given location;

electronically processing payment information for said order;

retrieving said grocery products from a storage area containing a plurality of such products and maintaining said retrieved grocery products in generally the same temperature conditions as said products were kept in the storage area to inhibit spoilage of said products;

detecting arrival including a generally unique identifier of said customer a predetermined distance from said given location after retrieving said grocery products;

dynamically selecting one of a plurality of loading areas at said given location based on availability and directing said customer to said selected loading area; and

moving said grocery products to said selected loading area for customer pickup responsive to detection of said customer.

Domain does not disclose or suggest a number of steps of Claim 1. For example, Domain does not disclose or suggest the step of receiving an online order from a customer for grocery products the customer desires to pick up at a given location, said order being received from the customer while the customer is at a location remote from said given location. As indicated above, Domain has order stations that customers use for ordering products. The order stations, which are staffed with order clerks, are located at the complex where the products are picked up.

As previously discussed, Domain requires that customers interact with the order clerks in placing their orders. Customers must verbally identify products desired, and the order clerks then electronically enter the orders. The order clerks must visually verify the identity of customers when, e.g., liquor purchases are made or payment is made using checks. Domain thus would be incompatible with and teaches away from combination with Matsumori, which discloses an Internet based ordering system.

In addition, Domain does not disclose or suggest detecting arrival including a generally unique identifier of the customer a predetermined distance from the given location after retrieving said grocery products. Domain discloses verifying the identity of customers for liquor and check purchases. However, the customer's identity is verified at the time of or before receiving the order from the customer, and certainly not after retrieving grocery products. In addition, none of the other cited references discloses or suggests this step.

Furthermore, Domain does not disclose or suggest dynamically selecting one of a plurality of loading areas at said given location based on availability and directing said customer to said selected loading area. Domain teaches that the order clerk provide the customer with instructions as to which of three pickup stations to use. Domain does not teach how such pickup station is selected, or even if it is a dynamic selection. There are several possible ways in which Domain might select the pickup station to be used. For instance, Domain might use a predetermined sequence of pickup stations to be used for successive orders. Domain does not disclose or even recognize any need for dynamic selection of pickup stations. In addition, none of the other cited references discloses or suggests this step.

In addition, Domain does not disclose or suggest moving the grocery products to the selected loading area for customer pickup responsive to detection of the customer. Domain, by contrast, appears to disclose moving products to a pickup station responsive to placement of an order by the customer. In addition, none of the other cited references discloses or suggests this step.

Independent Claim 1 and Claims 2-10, which depend on Claim 1, are therefore patentable over the cited references.

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Independent Claim 12 of the application is directed to a method of selling merchandize, which includes detecting presence including a generally unique identifier of said customer a predetermined distance from said given location after readying said product; directing said customer to one of a plurality of a loading stations at said given location responsive to detecting the presence of the customer; and associating said product with said customer and moving said product to said one of a plurality of loading stations for customer pickup responsive to detecting the presence of the customer. Neither Domain, nor any of the other cited references discloses or suggest these steps. Claim 12 and dependent Claims 13-48 are therefore patentable over the cited references.

Independent Claim 49 is directed to a system for selling groceries to customers, which includes a detection apparatus for detecting the arrival including a generally unique identifier of the customer to pickup previously ordered products; and a transfer mechanism responsive to detection of the customer by the detection apparatus for moving the products from the storage area to a loading station at which the customer can pickup the product. These elements are not disclosed, nor suggested by Domain or any of the other cited references. Claim 49 and dependent Claims 50-61 are therefore patentable over the cited prior art.

Claims 1-61 are pending in the present application. As the application is now believed to be in condition for allowance, issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,



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